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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JOHN PHET,

11 Petitioner,

12 v.

13 HAROLD CLARKE,

14 Respondent.  
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Case No. C07-5493RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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17 The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold  
18 United States Magistrate Judge, objections to the Report and Recommendation [Dkt. #32], and the  
19 remaining record, does hereby find and Order:

- 20 (1) On September 29, 2008 this Court entered an Order [Dkt. #31] granting Petitioner's  
21 Motion for Extension of Time to file objections to the Report and Recommendation.  
22 The Court extended the time to object to November 28, 2008 and re-noted  
23 consideration of the Report and Recommendation for December 5, 2008. The Court  
24 granted the requested additional time because Petitioner had been recently transferred  
25 from one institution to another and did not yet have his legal papers. Petitioner has,  
26 however, filed detailed objections to the Report and Recommendation in accordance  
27 with the original noting date of October 10, 2008. He therefore has had the  
28 opportunity to object to the Report and Recommendation and the report is ripe for  
this Court's review.
- (2) The Court adopts the Report and Recommendation;
- (3) The petition is **DENIED WITH PREJUDICE.**

1 (4) The clerk is directed to send copies of this Order to Petitioner, Counsel for  
2 Respondent, and to the Hon. J. Kelley Arnold.

3 DATED this 14<sup>th</sup> day of October, 2008.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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